

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANGEL HURTADO,

Plaintiff,

v.

SYLVAN,

Defendant.

Case No. 2:21-cv-00888-JDP (PC)

ORDER DIRECTING THE CLERK OF
COURT TO ASSIGN A DISTRICT JUDGE

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH COURT ORDERS

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On February 1, 2023, I issued an order setting an initial scheduling conference for March 9, 2023, and directing the parties to file status reports by no later than February 23, 2023. ECF No. 17. Defendant timely submitted a status report, but plaintiff did not file a report. Accordingly, on March 7, 2023, I continued the initial scheduling conference to April 13, 2023, and ordered plaintiff to show cause by March 30, 2023 why this action should not be dismissed for failure to prosecute and failure to comply with court orders. ECF No. 19. In that order, I also directed him to file a status report by no later than March 30, 2023. *Id.* I warned plaintiff that failure to comply with the March 7 order may result in a recommendation that this action be dismissed.

1 The deadline has passed, and plaintiff has neither filed a status report nor otherwise
2 responded to the March 7, 2023 order.

3 Accordingly, it is hereby ORDERED that the Clerk of Court randomly assign a district
4 judge to this matter.

5 Further, it is hereby RECOMMENDED that:

6 1. This action be dismissed for failure to prosecute and failure to comply with court
7 orders, for the reasons set forth in the March 7, 2023 order.

8 2. The Clerk of Court be directed to close the case.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
11 after being served with these findings and recommendations, any party may file written
12 objections with the court and serve a copy on all parties. Such a document should be captioned
13 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
14 objections shall be served and filed within fourteen days after service of the objections. The
15 parties are advised that failure to file objections within the specified time may waive the right to
16 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
17 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

18
19 IT IS SO ORDERED.

20 Dated: April 6, 2023


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE